

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

UNITED STATES OF AMERICA,

§
§
§
§
§
§
§
§

v.

CYRIL LARTIGUE,

CRIMINAL NO. A20-CR-156-RP

Defendant.

GOVERNMENT'S SENTENCING MEMORANDUM

Cyril Lartigue put the lives of innocent bystanders, protestors, and members of law enforcement alike in jeopardy when he took the components for Molotov cocktails, destructive devices under federal law, to a protest in the area of APD headquarters on the night of May 30, 2020. Despite being interrupted while assembling one of his Molotovs, Mr. Lartigue has wholly refused to accept responsibility or show any remorse for his actions. Instead, he attempted to hide his crime and impede the investigation by destroying evidence. Consequently, there is no legitimate reason to depart below the sentencing guideline range calculated by the Probation Office. The Government respectfully requests that the Court sentence Mr. Lartigue to a term of imprisonment at or above the top end of the guideline range.

I. ARGUMENT AND AUTHORITIES

A. Defendant's attempt to violently attack police officers with a destructive device requires a significant sentence.

Defendant's animus toward police and the timing of his actions establish that he intended to violently attack police officers with one or more Molotov cocktails on the night of May 30, 2020.

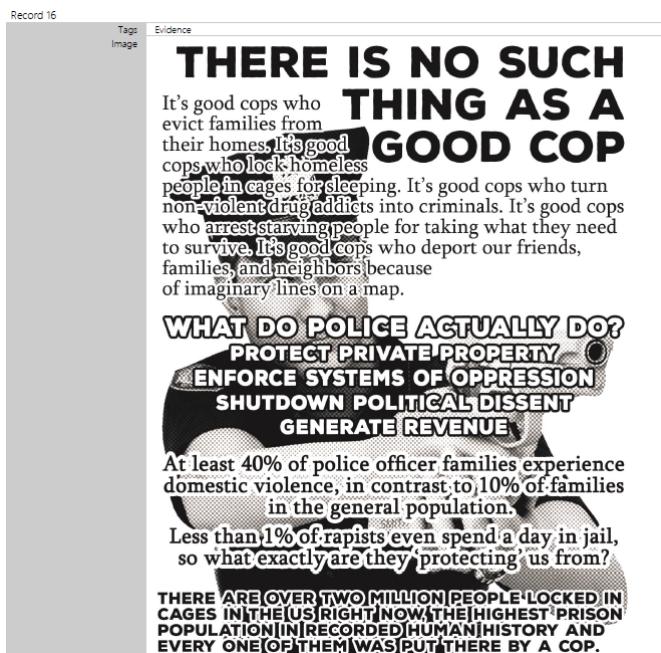
Defendant's animus toward police is well-documented:

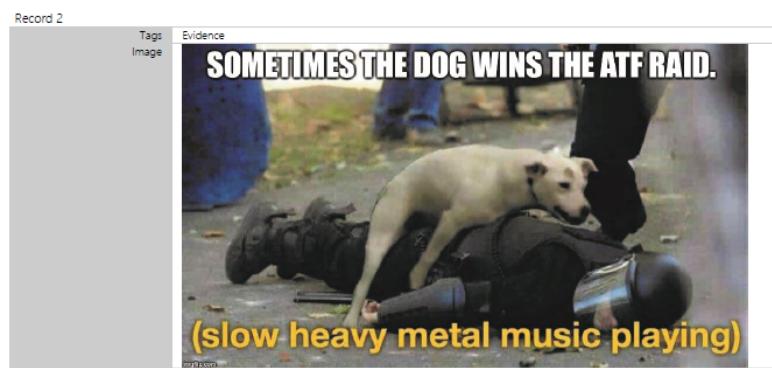
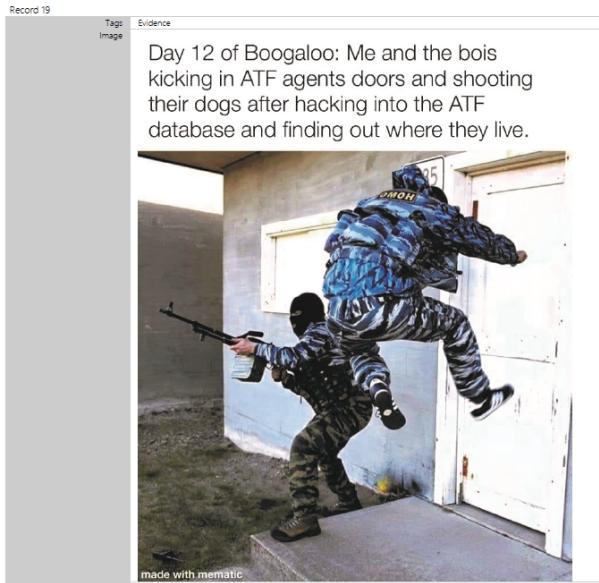
- Defendant blamed the police for being violent first. *See* Gov't Trial Ex. 20 ("Cops are the ones in many cases being violent first or infiltrating protests to kick off violence or property damage to 'justify' use of force on civilian protestors...Isn't this shit what we're supposed to have our own guns for?").
- He wrote: "I agree burning black businesses is dumb, **I think they should only burn police stations** and government buildings and target for being bitches." PSR ¶ 17 (emphasis added).
- He wrote: "Yeah I'm more focused on cops than on the protesters..." *Id.*
- He referred to police as "pigs" and their cars as "clown cars." Gov't Trial Exs. 25, 26.
- He wrote that he was taking the "stuff to make Molotov cocktails" to the protest in order to "fight back" against police. PSR ¶ 15.
- He "[m]ade some clubs" so that "[i]f it gets real I'm ready to fight back," obviously referring to fighting the police. *Id.* ¶ 17. Defendant sent the following message regarding the clubs:

79	Instant Messages	Outgoing			5/30/2020 7:21:23 PM(UTC-5)	From: +15125863046 (owner) To: +15125662962, To: clartigue10@gmail.com Cyril Lartigue (owner) To: +15125662962, To: clartigue10@gmail.com Cyril Lartigue (owner)	Made clubs in case the pigs downtown get too wild and aggressive and we gotta defend ourselves Source: Native Messages Source file: 00008030- 000838500285802E_files_full.zip/private/var/m obile/Library/SMS/sms.db : 0x3E39670 (Table: message, handle, chat, Size: 94855168 bytes)	
----	------------------	----------	--	--	--------------------------------	---	--	--

- He wrote that if the police "get aggressive I have up to three Molotovs ready to go." *Id.* ¶ 15.
- He described throwing Molotov cocktails as "fun." *Id.* ¶ 17.
- He wrote that it was "gonna be a fight." Gov't Trial Ex. 25.

- In the moments before he started to assemble a Molotov cocktail, Defendant video-recorded the police walking down the street to escort and protect the fire department as they put out a fire under I-35. Defendant yelled insults at the police, specifically referring to them as farm animals and insulted a specific officer for being overweight. Gov't Trial Ex. 30.
- He brought “[h]eat resistant gloves” in order to throw tear gas back at police officers and in order to throw Molotovs. PSR ¶ 17.
- Defendant's phone also contained several anti-police “memes,” such as:





Taken together, Defendant's statements and actions show that his actions on May 30, 2020 were motivated by a clear animus toward the police.

The Defendant's actions themselves and the timing of those actions provide further evidence that he intended to violently attack police officers with one or more Molotov cocktails. Defendant arrived in the area of the demonstrations at approximately 10:00 p.m. on the night of May 30, 2020. The undisputed evidence at trial shows that he wandered around the demonstration area, talking to other participants and observing some of the chaos, but he was not involved in any clashes with police.

Shortly before 10:40 p.m., Defendant took note of several police officers grouped together on 7th Street one block west of the I-35 frontage road. Gov't Trial Ex. 29. Defendant made a short video of the group, zooming in on the officers. *Id.* Shortly thereafter, officers formed a squad and began walking east on 7th Street toward a mattress and debris fire that had been set by rioters and that continued to burn under I-35. The officers were escorting two fire trucks and several fire personnel to protect them while they put out the fire. Defendant filmed the officers walking past and took the opportunity to yell insults at them, stating: "Who left the barn door open?" and "How the fuck did you pass the fitness test? That's bullshit!" Gov't Trial Ex. 30.

Fewer than three minutes after the police began walking toward the fire, Defendant was spotted by HALO Operator Harris squatting down behind a porta-potty and beginning to assemble a Molotov cocktail.¹ Defendant positioned himself behind a porta-potty, apparently in order to shield himself from the view of the officers on the street. Video and testimony at trial established that while constructing his Molotov, Defendant repeatedly looked over his left shoulder in the direction of the officers on the street. Defendant continued to make his Molotov until he was

¹ At trial, the defense focused on video which appeared to show police pushing a protestor who did not move out of the way of the police and fire department, suggesting that perhaps Defendant was responding to that act. While there was no evidence admitted at trial indicating that Lartigue was in fact responding to that act or that he even perceived the act when it occurred, that suggestion, if true, would only *strengthen* the conclusion that Defendant intended to attack police with his Molotov cocktails.

disrupted by the arrival of a squad of police officers dispatched by the HALO operators, at which point he fled. Had it not been for the quick intervention of the police, Defendant would have been able to finish making his Molotov and then had the opportunity to use it to attack his intended targets.

Lartigue's efforts to construct a Molotov cocktail so that he could attack police officers deserves and requires a significant sentence of imprisonment. Recently our country has seen multiple incidents of persons using or attempting to use Molotov cocktails. Several such incidents have occurred in Austin. Since Lartigue's May 2020 arrest, there have been at least two other incidents in Austin involving Molotov cocktails: one attack on a church near the Texas Capitol² and another attack on the Democratic Party Headquarters in Austin.³ Defendant's actions, furthermore, were even more dangerous because they involved the attempted construction of a Molotov for use against law enforcement in the midst of a chaotic demonstration. A significant sentence of incarceration is necessary to establish that utilizing these destructive devices is immensely dangerous, completely wrong, and wholly intolerable in a civilized society.

B. Defendant has refused to accept responsibility for his actions and has shown zero remorse.

Defendant has sought to avoid responsibility for his actions since he was interrupted while building a Molotov cocktail. That night, Defendant evaded or attempted to evade arrest twice, first after being interrupted and then again after returning to the scene to retrieve his Molotov parts and other items. He ducked into a porta-potty and started to change clothes in an effort to avoid detection, identification, and arrest. Despite being caught on video putting the Molotov together and being caught in possession of all the materials for his Molotovs, Defendant pretended he had

² <https://abc13.com/molotov-cocktail-texas-capitol-man-wanted-austin-building/10996838/>

³ <https://www.usnews.com/news/politics/articles/2021-10-02/man-arrested-after-molotov-cocktail-thrown-at-austin-dem-hq>

no idea what he was being arrested for when he was interviewed by the AFD Fire Marshals. He *lied repeatedly*, such as:

- When he claimed he went into the porta-potty to urinate, when in truth he was evading arrest.
- When he stated, “I did not make a Molotov cocktail.”
- When he claimed he had the lighter fluid for his lighter, when in truth he purchased the lighter fluid specifically for his Molotov cocktails.
- When he claimed he “couldn’t remember” whether he poured an ignitable liquid into a bottle.

Obviously, Lartigue expressed no remorse, given that he entirely denied engaging in the video-recorded actions that led to his federal conviction.

Eight days later, when he was interviewed by an ATF agent, Defendant had another opportunity to take responsibility and show remorse for his actions. Again, he refused. He claimed the strips of cloth he specifically made to be wicks for Molotov cocktails were instead for soldering. He refused to view or comment on still photos from the HALO camera footage. The closest he came to an admission was stating that he had “a flashpoint of stupidity.” Even that statement downplayed his actions, because he had planned to build and use Molotovs well in advance of the moment he decided to put it together. Again, there was no expression of remorse whatsoever.

Defendant’s actions and communications following his arrest further demonstrate his refusal to accept responsibility or show remorse. Indeed, he blatantly obstructed justice by intentionally deleting his social media to impede the investigation. PSR ¶ 20. His messages show a cavalier attitude regarding his behavior. On Instagram, he had the following conversation:

Author [REDACTED] 863)
Sent 2020-06-02 23:41:11 UTC
Body Damn you trying to play COD in real life!

Author Cyril Lartigue (Instagram: 3125346795)
Sent 2020-06-03 20:13:38 UTC
Body Hahahahaha

Author Cyril Lartigue (Instagram: 3125346795)
Sent 2020-06-05 01:31:50 UTC
Body I was like one off my VTOL too []

Author [REDACTED] 863)
Sent 2020-06-05 01:32:18 UTC
Body How many teams where left?

Author Cyril Lartigue (Instagram: 3125346795)
Sent 2020-06-05 01:32:33 UTC
Body Teams?

Author [REDACTED] 863)
Sent 2020-06-05 01:32:49 UTC
Body Yea did you already kill most of the teams?

Author [REDACTED] 863)
Sent 2020-06-05 01:33:10 UTC
Body Where you camping behind the Porto potty the entire time?

Author Cyril Lartigue (Instagram: 3125346795)
Sent 2020-06-05 01:33:12 UTC
Body Oh lmao it was like 183834773 v 1723737 still, we were down a good bit

Author Cyril Lartigue (Instagram: 3125346795)
Sent 2020-06-05 01:33:23 UTC
Body Hell nah I was moving most of the time

Author Cyril Lartigue (Instagram: 3125346795)
Sent 2020-06-05 01:34:34 UTC
Body We'll see how it all plays out

Author [REDACTED] 63)
Sent 2020-06-05 01:34:44 UTC
Body They can't do that here to many people own assault rifles lol

Author Cyril Lartigue (Instagram: 3125346795)
Sent 2020-06-05 01:35:17 UTC
Body Shh we got them here too, but they don't remember why the second amendment exists when it isn't them getting stomped on for using their first amendment

Author Cyril Lartigue (Instagram: 3125346795)
Sent 2020-06-05 01:35:31 UTC
Body I think this is gonna be an UGLY summer in America

Author [REDACTED] 863)
Sent 2020-06-05 01:35:50 UTC
Body Message Unavailable
Attachments Image-286765845795558 (286765845795558)
Type image/jpeg
Size 134511
URL https://interncache-frc.fcdn.net/v/t51.2885-15/p600x600/102695923_134270664913113_3193637174713797648_n.jpg?_nc_sid=73a6a0&efg=eyJlcmnxZW4lOjwaHBfdXjsZ2VuX2NsawVvudC9pbW9nZW46RFIjTWVkaWFVdGlsocyJ9&_nc_ad=z-m&_nc_cid=0&_nc_ht=interncache-frc&tp=6&oe=5h=73e0d4d90d8b6631bfa1bf9171fe466f&oe=5FA8ABAA



Photo ID 286765845795558

Author [REDACTED] 863
Sent 2020-06-05 01:35:57 UTC
Body I try and buy one a month

Author Cyril Lartigue (Instagram: 3125346795)
Sent 2020-06-05 01:36:01 UTC
Body You think people are mad and distressed now? The eviction moratoriums are about to expire. Obama helped the banks put 5-6 million people on the streets last time

Author Cyril Lartigue (Instagram: 3125346795)
Sent 2020-06-05 01:36:06 UTC
Body Here comes round 2 of that

Author Cyril Lartigue (Instagram: 3125346795)
Sent 2020-06-05 01:36:09 UTC
Body Damn you're ready lmao

Author [REDACTED] 863
Sent 2020-06-05 01:36:23 UTC
Body I don't reload I just switch guns lol

Author [REDACTED] 863
Sent 2020-06-05 01:36:41 UTC
Body My wife has a good bit also

Author Cyril Lartigue (Instagram: 3125346795)
Sent 2020-06-05 01:36:58 UTC
Body I've been wanting one, I may not be allowed to buy one ever now tho if shit sticks

Author [REDACTED] 863
Sent 2020-06-05 01:37:29 UTC
Body Just buy one under the table and hide it well

Author [REDACTED] 863
Sent 2020-06-05 01:37:41 UTC
Body Better to have and not need that need and not have.

Author Cyril Lartigue (Instagram: 3125346795)
Sent 2020-06-05 01:47:32 UTC
Body Yup 100 percent

Author Cyril Lartigue (Instagram: 3125346795)
Sent 2020-06-05 01:48:17 UTC
Body People think all lefties are anti gun... hell nah. Us non PC lefties that're more than SJWs remember that Karl Marx said the working class are to never give up their arms under any circumstances

On Twitter he had the following conversation after his arrest:

10:58 p.m.

COMMUNISTSEGIRL: Anything happen??

June 1, 2020 – 10:34 p.m.

LARTIGUE: Got arrested alleged prohibited weapon, deleting twitter until july 8

COMMUNISTSEGIRL: Omg!

COMMUNISTSEGIRL: I'm so sorry. Fuck those cops

COMMUNISTSEGIRL: I hope you're okay and they didn't fuck with you more than they did

LARTIGUE: I'm good talk soon! find me on ig

COMMUNISTSEGIRL: Definitely

June 23, 2020 – 1:04 a.m.

LARTIGUE: Reports of my demise are greatly exaggerated

COMMUNISTSEGIRL: Omgggg you are free!?

COMMUNISTSEGIRL: Marie was like his is gonna get 10 years bc they will want to make an example out of him and they'll do it just to hang him out to dry

LARTIGUE: We'll see! Still have the case to get through and if they convict they want prison time. West district of Texas DA spoke publicly about my case saying "if you bring a Molotov cocktail to a protest you WILL go to prison"

COMMUNISTSEGIRL: Technically you didn't though bc you hadn't made any soooo

COMMUNISTSEGIRL: I'd be like all of those are normal everyday items

COMMUNISTSEGIRL: Items**

LARTIGUE: Yeah that's what they wanna do but they fortunately hire the dumbest people alive for that job. All they'll have to work off is HALO footage so they probably won't meet the burden of proof and worst case I settle for a plea deal for probation worst case I go to prison and read a lot of books

Lartigue has thus shown *zero* acceptance of responsibility or remorse. The Government respectfully submits that his failure to do so demonstrates that the Court should not impose a below-guidelines sentence of imprisonment.

II. CONCLUSION

If the police had not stopped him, the Defendant would likely be looking at even more serious charges than the one of which he has been convicted. He should not get credit for failing. He intended to violently attack police officers with a destructive device, putting in danger the lives of law enforcement and protestors alike. Actions like his jeopardize not only the lives of persons around him but also our fundamental right to peacefully protest. Lartigue should accordingly be sentenced, at a minimum, to a sentence of imprisonment at the high end of the sentencing guidelines range.

Respectfully submitted,

ASHLEY C. HOFF
United States Attorney

By: /s/ Keith M. Henneke
KEITH M. HENNEKE
GABE COHEN
Assistant United States Attorneys

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Government's Sentencing Memorandum has been delivered via the CM/ECF system on this the 26th day of January 2021 to the following:

David Gonzalez
Worth Carroll
Attorneys for Defendant

/s/ Keith M. Henneke
KEITH M. HENNEKE
Assistant United States Attorney